

### **Remarks**

Claims 1-12, 14-15 and 17-21 are currently pending in the present patent application. Claims 13 and 16 have been cancelled without prejudice. Claims 1-3, 7, 11-12, 14-15 and 17 have been amended. Claims 18-21 are newly filed. For the convenience of the patent examiner, Applicant will address the issues presented in the order presented in the Office Action dated January 12, 2006.

1. ***Drawings.*** The drawings were objected to under 37 CFR 1.83(a) because the drawings did not show end plate 32 described on page 6 of the specification and a plurality of apertures 57 described on page 7 of the specification. In response, Applicant is submitting formal patent FIGS. with the corrections made to FIG. 3 requested by the patent examiner. The amendments to the FIGS. are described in greater detail below.

In FIG. 1, elements 26, 66 and 68 have been added. The positioning of element 42 has been moved and element 46 has been deleted. Support for the amendments made to FIG. 1 can be found in the specification and/or the originally filed FIGS.

In FIG. 2, elements 48, 66 and 68 have been added. The positioning of elements 26 and 42 have been moved and elements 44 have been deleted. Support for the amendments made to FIG. 2 can be found in the specification and/or the originally filed FIGS.

In FIG. 3, end plate 32 and aperture 57 have been added as requested by the patent examiner. Elements 10, 28, 42 and 58 have been added and the lead line to element 12 has been moved to the left in FIG. 3. Support for the amendments made to FIG. 3 can be found in the specification and/or the originally filed FIGS.

In FIG. 4, the informal originally filed FIG. is being replaced with a formal patent FIG. Support for the formal patent FIG. can be found in the specification and/or the originally filed FIG. 4.

In light of the foregoing, withdrawal of the objection to the FIGS. under 37 CFR 1.83(a) is requested and acceptance of the amended FIGS. is earnestly solicited.

2. ***Claim Objections.*** Claim 1 was objected to by the patent examiner due to an alleged informality in the claim. In response, Applicant has clarified the language that was objected to by the patent examiner.

In light of the foregoing, withdrawal of the objection to claim 1 is earnestly solicited.

3. ***Claim Rejections – 35 USC § 112.*** Claims 1-17 were rejected under 35 USC § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

With regard to the length recited in claim 1, that recitation has been amended to recite: --a length--.

With regard to the top plate recited in claim 2, claim 2 has been clarified in accordance with the suggestion of the patent examiner. Support for this amendment appears on page 6, paragraph [0023], lines 2-3 of the specification.

With regard to the rippler recited in claim 2, claim 2 has been amended to recite: --each rippler--.

With regard to the rippler recited in claim 3, claim 3 has been amended to recite: --each of the rippers--.

With regard to claim 11, the interior stationary portion recited in the claim has been amended to recite: --the inner stationary portion-- to remove any potential indefiniteness issues.

With regard to the length recited in claim 12, that feature has been deleted from the claim so the rejection is moot and should be withdrawn. As to the question of whether Applicant was only claiming the rippler or the combination of the rippler and the deliverer, many of the deliverer features have been deleted from the claim to focus more particularly on the structure of the rippler and how the rippler can secure itself to the top plate of the deliverer.

With regard to the direction recited in claim 15, claim 15 has been amended to recite: --a direction--.

With regard to the rejection of claim 17, claim 17 has been amended to depend from claim 15 and many of the deliverer features have been deleted from the claim to focus more particularly on the claimed method.

In light of the foregoing, withdrawal of the rejections to claims 1-17 under 35 USC § 112, second paragraph, is earnestly solicited.

**4. *Claim Rejections – 35 USC § 101.*** Claim 17 as rejected under 35 USC § 101 as allegedly directed to non-statutory subject matter. In response, claim 17 has been amended to depend from claim 15 and many of the deliverer features have been deleted from the claim to focus more particularly on the claimed method.

In light of the foregoing, withdrawal of the rejection to claim 17 under 35 USC § 101 is earnestly solicited.

**5. *Claim Rejections – 35 USC § 102.*** Claims 15 and 16 are rejected under 35 USC 102(b) as being allegedly anticipated by U.S. Patent Publication No. 2002/0121738. In response, Applicant has amended claim 15 to recite that the method comprises transporting

the paper sheet over a ridge on an elongated member having a hook that secures the elongated member to a top plate of a deliverer. The apparatus shown in U.S. Patent Publication No. 2002/0121738 does not show a hook that secures an elongated member to a top plate of a deliverer. This feature was incorporated into claim 15 from claim 13 since the patent examiner indicated that claim 13 contained allowable subject matter if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In light of the foregoing, withdrawal of the rejection to claim 15 under 35 USC § 102(b) is earnestly solicited.

6. *Claim Rejections – 35 USC § 103.* Claim 12 was rejected under 35 USC § 103(a) as being allegedly unpatentable over U.S. Patent Publication No. 2002/0121738 in view of numbered paragraphs [0003] and [0004] in the background section of the specification. In response, Applicant has clarified claim 12 to focus more particularly on the structure of the rippler and how that apparatus secures itself to the top plate of the deliverer as discussed above with regard to the 35 USC § 112, second paragraph rejections. Allowable dependent claim 13 has been incorporated into independent claim 12. It is respectfully submitted that the apparatus shown in U.S. Patent Publication No. 2002/0121738 and the apparatus described in numbered paragraphs [0003] and [0004] does not show nor disclose an elongated member having a hook for securing the rippler to the top plate of the deliverer. In light of the foregoing, withdrawal of the rejection to claim 12 under 35 USC § 103(a) is earnestly solicited.

7. *Allowable Subject Matter.* Claims 13 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 1-11 would be allowable if amended to overcome the claim objections and the rejections under 35 USC § 112, second paragraph. In response claim 13 has been incorporated into claim 12. It is believed that all 35 USC § 112, second paragraph issues with regard to currently pending claims 12 and 14 have been addressed and that claims 12 and 14 are in condition for allowance. It is also believed that all the claim objections and the rejections under 35 USC § 112, second paragraph with regard to currently pending claims 1-11 have been addressed and that claims 1-11 are in condition for allowance.

8. *Conclusion.* No response is necessary.

**Conclusion**

It is respectfully submitted that the present application is in condition for allowance. If the patent examiner would like to suggest changes of a formal nature to place this application in better condition for allowance, a telephone call to Applicant's undersigned attorney would be appreciated. Additionally, a return postcard is enclosed. Please date-stamp and mail this postcard to me to acknowledge receipt of the papers mentioned above.

Respectfully submitted,



David P. Maivald  
Attorney for Applicant  
Registration Number 42,831  
Telephone: 412-566-6088  
E-mail: [ipmail@eckertseamans.com](mailto:ipmail@eckertseamans.com)

**Attachment A**

Replacement Sheets for FIGS. 1-4 are attached.

**Amendments to the FIGURES**

Replacement Sheets for FIGS. 1-4 are attached hereto as Attachment A.